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Filed 10/23/2003

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Attorney Docket No. DE012

b) Please insert the following paragraph at page 8, line 25, after the paragraph ending with "on the armrests 21 of the wheelchair 10.":

-- As seen in the drawings and particularly in Fig.1, the seat 20 rises and lowers in its entirety and without significant tilting or pivoting of the seat relative to the wheelchair frame 12. As shown, seat 20 is supported to the upper end of telescoping member 26 and the seat 20 retains its angular orientation relative to the telescoping support 18 and to the wheelchair frame 12 as the seat rises and lowers. --

In the Claims:

Please amend the claims as indicated in the accompanying Listing of the Amended Claims.

REMARKS

Responsive to the claims objection, claims 10 through 39 have been renumbered as claims 9 through 38, to correct the previous omission of a Claim 9. The claim rejections under 35 U.S.C. 112 have been addressed by amendment of the respective claims which now distinguish between the wheelchair frame and the riser seat frame.

The substantive rejections under 35 U.S.C. 102 and 35 U.S.C. 103 have been addressed by amendment of the independent claims 1, 16, 20 and 35. In each independent claim, amendment has been made to indicate that the entire seat rises and lowers on the telescoping support. As amended, the independent claims distinguish over Bloswick alone or in combination with Paul or Watkins. Both Bloswick et al. and Paul show seat-lift chairs in which the seat pivots forward to assist the user in rising and seating upon the chair. In both these references only the rear of the seat rises, while the front edge of the seat is hinged or pivoted to the chair frame and does not rise relative to the chair frame.

In Applicant's invention, by contrast, the entire seat rises relative to the wheelchair frame, and in the presently preferred embodiment described in the specification the seat does not pivot or otherwise significantly alter its angular relationship relative to the telescoping

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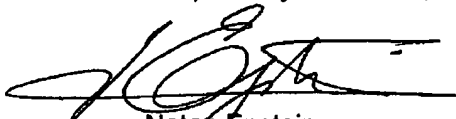
assembly 18. In both Blawieck and Paul there is a portion of the seat, which does not rise when the seat pivots. Watkins is only cited as teaching a seat bottom and seat back, and does not add to the other two references a rising seat as now claimed by the Applicant.

New dependent Claims 39 through 42 have been added to address a significant distinction over the cited art.

The claims, as amended, are believed to be in condition for immediate allowance and such action is earnestly solicited.

The amendment to the specification is made for purposes of clarity and is supported by the specification and drawings as originally filed. No new matter has been added by this amendment.

Respectfully submitted,



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**MARKED-UP LISTING OF THE AMENDED CLAIMS
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1 (currently amended). An adjustable height seat, comprising:

a chair frame, a telescoping support mounted to said chair frame, a seat supported on said telescoping support, a spring normally urging said telescoping support towards an elevated condition, said telescoping support being operative for raising and
10 lowering the entire said seat relative to said chair frame responsive to repositioning of a user's body weight on said seat.

2 (original). The adjustable height seat of Claim 1 wherein said seat is depressed from
15 an elevated to a lowered position when the user's body assumes a relatively reclined position wherein the user's body weight overcomes said urging of said spring.

3 (original). The adjustable height seat of Claim 1 wherein said seat is elevated from a
20 lowered position when the user's body is partially offloaded from said seat onto a ground surface such that said spring overcomes the user's remaining body weight on said seat and causes telescoping extension of said telescoping support for raising said seat relative to said frame.

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4 (original). The adjustable height seat of any of Claims 1 through 3 wherein said telescoping support is frictionally arrested against substantial telescoping movement in a generally upright or forward leaning seated position of the user on said seat.

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5 (original). The adjustable height seat of Claim 4 wherein said telescoping support is inclined away from the vertical.

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6 (original). The adjustable height seat of Claim 5 wherein said chair has a back, a front and two sides and said telescoping support is inclined towards said front between said sides.

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7 (original). The adjustable height seat of any of Claims 1 through 3 wherein said telescoping support has an upper member telescopically slidable relative to a lower member, said seat being mounted on said upper member.

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8 (original). The adjustable height seat of Claim 1 through 3 wherein said telescoping support has tubular upper and lower members telescopically slidable relative each other and said spring is contained in said tubular upper and lower members.

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9 (original). The adjustable height seat of Claim 8 wherein said upper member and said lower member are of rectangular cross section.

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10 (original). The adjustable height seat of Claim 8 wherein said upper member is slidable within said lower member.

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11 (original). The adjustable height seat of Claim 8 wherein said spring is a gas spring.

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12 (original). The adjustable height seat of Claim 1 wherein said chair frame is a wheel chair frame.

13 (original). The adjustable height seat of Claim 12 wherein said wheel chair frame is a folding wheel chair frame.

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14 (original). The adjustable height seat of Claim 12 or Claim 13 wherein said telescoping support is removably mounted to said wheel chair frame.

5 15 (currently amended). An adjustable height seat, comprising:
a chair frame, a seat supported on a movable member slidable relatively to a stationary member on said frame, a spring normally urging said movable member towards an elevated condition, said movable member and said stationary member being arranged and configured such that said movable member is arrested against movement
10 relative to said stationary member in a generally normal seated position of the user such that said seat remains at a selected position relative to said frame, and the body weight of said user overcomes said urging of the spring in a relatively reclining position of the user thereby to depress said movable member for lowering said seat on said frame, and
15 the entire said seat can be raised on said frame by partially offloading the user's body weight from said seat onto a ground surface such that said spring overcomes the user's remaining body weight on said seat thereby elevating said movable member and said seat.

20 16 (original). The adjustable height seat of Claims 15 wherein said movable member is arrested by frictional engagement with said stationary member.

25 17 (original). The adjustable height seat of Claim 15 wherein said movable member and said stationary member are assembled in telescoping relationship.

30 18 (original). The adjustable height seat of Claim 15 wherein said chair frame is a foldable chair frame and one or both of said movable member and said stationary member are removable from said chair frame to permit folding of said chair frame.

19 (currently amended). A folding wheel chair with riser seat, comprising:

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5 a wheel chair frame having left and right frame subassemblies, a scissor arrangement including a center pivot interconnecting said frame subassemblies for movement towards and away from each other between a deployed condition and a folded condition of the wheel chair, a telescoping support mounted between said frame subassemblies, a seat supported on said telescoping support for movement between a lowered and an elevated condition, said telescoping support being operative for raising and lowering the entire said seat relative to said chair frame responsive to repositioning of a user's body weight on said seat relative to said telescoping support, said seat being removable from between said frame subassemblies to permit folding of the wheelchair frame.

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20 (original). The folding wheel chair with riser seat of Claim 19 wherein said telescoping support comprises a spring normally urging said telescoping support towards said elevated condition.

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21 (original). The folding wheel chair with riser seat of Claim 20 wherein said telescoping support is designed, arranged and configured such that a frictional force between members of said telescoping support is reduced when a user reclines on said seat and the body weight of said user overcomes said urging of said spring thereby to cause telescoping retraction of said support for lowering said seat on said frame.

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22 (original). The folding wheel chair with riser seat of Claim 20 wherein said seat is elevated on said frame in response to the user partially shifting his or her body weight onto a ground surface such that said spring overcomes the user's body weight remaining on said seat and causes telescoping extension of said telescoping support for raising said seat relative to said frame.

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23 (original). The folding wheel chair with riser seat of any of Claims 19 through 22 wherein said telescoping support has at least two tubular members assembled in sliding telescoping relationship.

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- 24 (original). The folding wheel chair with riser seat of Claim 23 wherein said telescoping support has an upper member telescopically slidable relative to a lower member, said seat being mounted on said upper member, and a spring contained in said upper member and said lower member for urging said upper member and said seat towards said elevated condition.
- 25 (original). The folding wheel chair with riser seat of any of Claims 19 through 22 wherein said telescoping support is supported at said center pivot between said frame subassemblies.
- 26 (original). The folding wheel chair with riser seat of Claim 25 wherein said scissor arrangement includes cross braces interconnecting said frame subassemblies and joined for scissor movement at said center pivot, and foldable slide braces arranged for providing a second support point for said telescoping support in said deployed condition of the wheelchair thereby to maintain said telescoping support upright between said frame subassemblies.
- 27 (original). The folding wheel chair with riser seat of any of Claims 19 through 22 and 25 wherein said telescoping support is mounted on a riser seat frame, said riser seat frame being removably supported on said wheel chair frame in a deployed condition of said wheel chair.
- 28 (currently amended). The folding wheel chair with riser seat of Claim 27 wherein said riser seat frame is of adjustable width thereby to fit wheel chair frames of different width between said frame subassemblies.

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29 (currently amended). The folding wheel chair with riser seat of Claim 27 wherein said riser seat frame has a pair of transverse supports connected by a pair of longitudinal beams, said telescoping support being mounted between said longitudinal beams.

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30 (currently amended). The folding wheel chair with riser seat of Claim 27 wherein said riser seat frame has a pair of transverse supports and hanger brackets on each of said transverse supports for suspending said riser seat frame from said frame subassemblies.

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31 (original). The folding wheel chair with riser seat of Claim 30 wherein said transverse supports are of telescoping length for adjusting the spacing between said hanger brackets.

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32 (original). The folding wheel chair with riser seat of Claim 31 further comprising fasteners for fixing said length of said transverse supports.

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33 (currently amended). A riser seat for installation in a wheelchair of the type having left and right frame subassemblies and a non-rising seat removably suspended between said subassemblies, said riser seat comprising:

25 a removable riser seat frame adapted to be removably suspended between said frame subassemblies interchangeably with said non-rising seat, a telescoping support mounted on said removable riser seat frame, a seat on said telescoping support, a spring for urging said telescoping support towards an upwardly extended condition thereby to elevate the entire said seat relative to said removable riser seat frame, said telescoping support being operative for raising and lowering the entire said seat relative
30 to said removable riser seat frame responsive to repositioning of a user's body weight on said seat.

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34 (currently amended). The riser seat of Claim 33 wherein said removable riser seat frame is of adjustable width thereby to fit wheel chairs of different width between said removable riser seat frame subassemblies.

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35 (currently amended). The riser seat of Claim 33 wherein said removable riser seat frame has a pair of transverse supports connected by a pair of longitudinal beams, said telescoping support being mounted between said longitudinal beams.

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36 (currently amended). The riser seat of Claim 35 wherein said removable riser seat frame has a pair of transverse supports and hanger brackets on each of said transverse supports for suspending said removable riser seat frame from said frame subassemblies.

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37 (original). The riser seat of Claim 36 wherein said transverse supports are of telescoping length for adjusting the spacing between said hanger brackets.

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38 (original). The riser seat of Claim 37 further comprising fasteners for fixing said length of said transverse supports.

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39 (new). The riser seat of Claim 1 wherein said seat substantially retains its angular orientation relative to said wheelchair frame as the seat rises and lowers.

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40 (new). The riser seat of Claim 15 wherein said seat substantially retains its angular orientation relative to said wheelchair frame as the seat rises and lowers.

41 (new). The riser seat of Claim 19 wherein said seat substantially retains its angular orientation relative to said wheelchair frame as the seat rises and lowers.

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42 (new). The riser seat of Claim 33 wherein said seat substantially retains its angular orientation relative to said wheelchair frame as the seat rises and lowers.

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